

Request for City Council for the City of Ingleside, Texas

Subject: Public Hearing to make available to the Public the Amendment to Ingleside City Code Chapter 66-Utilities, Article II Water, Division 4 Water Conversation, Sec 66-66 through Sec 66-79

Submitted By: John Davis, Building Official

For The Agenda of: December 16, 2014

Attachments: Amendment to Ingleside City Code Chapter 66-Utilities, Article II Water, Division 4 Water Conversation, Sec 66-66 through Sec 66-79

Summary Statement: This amendment is an attempt to bring the City of Ingleside into compliance with State and National standards required for water conservation measures, policy, and enforcement, and to hold a Public Hearing to give the City's retail customers an opportunity to comment on the proposed amendment.

Recommended Action: Staff recommends approval of the Amendment.

ORDINANCE _____

**AN ORDINANCE AMENDING CHAPTER 66–
UTILITIES, ARTICLE II WATER, DIVISION
4, WATER CONSERVATION AND
PROVIDING FOR EFFECTIVE DATE,
READING, SEVERANCE, AND
PUBLICATION.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
INGLESIDE, COUNTY OF SAN PATRICIO, STATE OF TEXAS:**

SECTION 1. AMENDMENT. Chapter 66-Utilities, Article II, Division 4 - Ingleside Code of Ordinances is hereby amended to read as follows, new matter being indicated by underscoring and deleted matter by interlineations and brackets

Sec. 66-66. Plan established

(Including provisions to inform the public and opportunity for public input.)

(1) There is hereby established a city water conservation plan. The City of Ingleside made The Drought Contingency Plan available to its retail customers at City hall. The City made drought contingency planning information available to the public as follows:

(a) The proposed plan was provided to anyone requesting a copy.

(b) The plan was presented for adoption to the Ingleside City Council at a public meeting at the Ingleside City Hall at 6:30 P.M. on December 16, 2014.

(2) Coordination with the Regional Water Planning Group

The Service Area of the City of Ingleside is located within the Regional Water Planning Area (N)-Coastal Bend and has provided a copy of this plan to the Regional Water Planning Group (N) – Coastal Bend. The City of Ingleside shall review and update, as appropriate, the plan at least every 5 years based on new or updated information.

Sec. 66-67. Declaration of policy.

(1) It is hereby declared that the general welfare requires that the water resources available to the city be put to the maximum beneficial use to the extent to which they are capable and that the waste or unreasonable use, or unreasonable method of use of water be prevented, and the conservation of such water is to be extended with a view to the reasonable and beneficial use thereof in the interests of the people of the area served by the city's water resources and for the public welfare. In making decisions under this division concerning the allocation of water

between conflicting interests, highest priority will be given to allocation necessary to support human life and health; i.e., the minimum amount of water necessary for drinking, prevention of disease, and the like. Second highest priority will be given to allocations which will result in the least loss of employment to persons whose income is essential to their families.

(2) Targets for Water Use Reduction.

A) The purpose of this water conservation plan is intended to comply with TCEQ requirements and achieve:

(i) Long-term reductions in overall water demands 5 % per capita over the next ten years;

(ii) Reductions in the magnitude of seasonal water demands by 2% over the next five years;

(iii) Reductions in wastewater flow volumes by 1% over the next five years; and

(iv) Reductions in percent unaccounted for water by 7% over the next ten years.

B) Given current and projected water and wastewater service requirements and issues, specific water conservation objectives are:

(i) To reduce waste and influence conservation habits of the residents of the City;

(ii) To reduce seasonal water demands such that future expansions of water treatment facilities can be deferred; and

(iii) To continue to investigate the feasibility of reusing wastewater for suitable non-potable uses (i.e., irrigation of public green space and private landscaping).

Sec. 66-68. Authorization.

The city manager, or his designee, upon the recommendation of the city council is hereby authorized and directed to implement the applicable provisions of this division upon their determination that such implementation is necessary to protect the public welfare and safety. The city manager, or designee, shall monitor water supply and/or demand conditions on a weekly basis and, in accordance with the triggering criteria set forth as part of this plan shall determine that a mild, moderate, severe, critical, or emergency water shortage condition exists and shall implement the following notification procedures set forth in this plan.

Sec. 66-69. Violations, penalty and enforcement.

(a) Any person violating any provision of this division shall be deemed guilty of a misdemeanor and, upon conviction shall be punished by a fine as provided in section 1-14. The commission of a violation of each provision, and each separate violation thereof, shall be deemed a separate offense, and upon conviction thereof shall be fined as herein above provided. If any person or a second person in the same household or premises, is

found guilty of a second violation of this division, the director of public utilities shall be authorized to discontinue water service to the premises where such violation occurs.

(b) Any police officer, or other city employee designated by the city manager, may issue a citation to a person he reasonably believes to be in violation of this division. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him to appear in the city's municipal court no sooner than ten days and no later than 21 days of service of the citation. The alleged violator shall be requested to sign the citation, and shall be served a copy of the citation. Service of the citation shall be complete upon the attempt to give it to the alleged violator, to an agent or employee of a violator, or to a person over fourteen (14) years of age who is a member of the violator's immediate family or is a resident at the violator's residence. The alleged violator shall appear in municipal court to make his plea no sooner than ten days and no later than 21 days of service of the citation, and failure to so appear shall be a violation of this division. A police officer may arrest for any offense under this division where permitted by state arrest law. Said cases shall be expedited and given preferential setting in municipal court before all other cases.

(c) A person in apparent control of the property where the violation occurs or originates shall be presumed to be the violator, and proof of facts showing apparent control by such person of the premises and proof that the violation occurred on the premises shall constitute prima facie evidence that said person committed the violation, but said person shall have the right to show that he did not commit the violation. Any person whose name is on file with the utilities department as the customer on the water account for the property where the violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on said premises shall constitute prima facie evidence that the customer committed the violation, but said customer shall have the right to show that he did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children, and proof that a child committed a violation on property within the parent's control shall constitute prima facie evidence that said parent committed the violation, but said parent may be excused if he proves that he had previously directed the child not to use the water as it was used in the violation and that the parent could not have reasonably known of the violation.

(Ord. No. 677, § 2, 6-11-96)

Sec. 66-70. Allocation and review committee; establishment, composition, powers and duties.

The allocation and review committee shall be composed of five members, the director of public utilities, a representative of industry, a representative of business and commerce, a homemaker-citizen, and a citizen of the city. The industry, business, homemaker, and citizen members shall be appointed by the mayor and council and shall serve at the pleasure of the city council. In addition, five alternate members shall be appointed. Each alternate shall serve in place of his/her respective regular committee member whenever that regular committee member is unavailable to participate. The city manager shall appoint alternates for the director of public utilities. The mayor and council shall appoint

alternates for the industry, business, homemaker, and citizen members of the committee. Alternates appointed shall have qualifications similar to those of their respective regular member. An alternate serving in place of a regular committee member shall exercise the same powers and have the same duties as a regular member.

The committee shall consider requests of water users for special consideration to be given as to their respective particular circumstances and the committee shall hear and decide such requests and is hereby authorized to, in special cases, grant such variance from the terms of this article as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this division will result in unnecessary hardship, and so that the spirit of this division shall be observed and substantial justice done. Should a permit for special exception be granted by such committee, it shall be in effect from the time of granting; provided, that the permit is prominently posted on the premises within two feet of the street number located on the premises. Should protest be received after the granting of any such special permit, the committee shall consider the revocation of such permit and shall reconsider the granting of such permit at a public hearing, notice of which shall have been given at least one day prior to the holding of such hearing. After the conclusion of such hearing, the committee shall take such action by way of revocation of such permit, or refusal to revoke the same, or modification of such permit as the committee may deem proper under the circumstances.

Sec. 66-71. Prohibition and regulation of uses.

For the purposes of this division the following provisions shall apply:

(1) No person shall knowingly, recklessly, or with criminal negligence, make, cause, use or permit the use of water from the city system for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this section, or in an amount in excess of that use permitted by the conservation stage in effect pursuant to action taken by the city manager, or his designee, in accordance with the provision of this section. The provisions of this section shall apply to all uses of water from the city water supply system wherever situated. As used in this division, "person" includes individuals, corporations, partnerships, associations, and all other legal entities.

(2) The city manager shall promulgate guidelines which shall set forth the criteria for determining when a particular conservation stage is to be implemented and terminated. Such guidelines shall be updated when, in the opinion of the city manager the conditions of the water system have changed so as to necessitate such update, said guidelines to be published and filed in the office of the city.

(3) The use or withdrawal of water from the water supply system of the city for the following purposes or uses is hereby regulated during any period of water shortage commencing with the promulgation of water conservation guidelines and implementation of same by the city manager and continuing until such water conservation measures are no longer deemed necessary by the city manager in accordance with such guidelines.

(A) Trigger Conditions. Daily water demand will be monitored by impending emergency conditions by City Staff. Trigger conditions will be based on an emergency situation caused by a drop in reservoir storage levels, natural disaster, equipment, or system failure, or extended high daily water demands.

a) Condition I - Mild Water Shortage Conditions

- 1) Combined storage level of Choke Canyon Reservoir and Lake Corpus Christi declines below 50% or Lake Texana storage level declines below 40%, or
- 2) Water demand reaches eighty-five percent (85%) of firm production capacity, or,
- 3) A disruption due to equipment or distribution system failure that would limit the capacity of the water system below eighty-five percent (85%) of capacity during high demand periods.

b) Condition II - Moderate Shortage Conditions

- 1) Combined Lake and Reservoir levels declines to below 40%, or
- 2) Water demand exceeds ninety percent (90%) of the firm production capacity, or,
- 3) A disruption due to equipment or distribution system failure that would limit the capacity of the water system below seventy five percent (75%) of capacity during high demand periods.

c) Condition III - Severe Water Shortage Conditions

- 1) Combined Lake and Reservoir levels declines to below 30%, or
- 2) Water demand reaches ninety-five percent (95%) of firm production capacity, or,
- 3) A disruption due to equipment or distribution system failure that would limit the capacity of the water system below seventy percent (70%) of capacity during high demand periods.

d) Condition IV - Critical Water Shortage Conditions

- 1) Combined Lake and Reservoir levels declines to below 20%, or
- 2) Water demand reaches one hundred percent (100%) of firm production capacity

e) Condition V - Emergency Water Shortage Conditions

- 1) Extended period of the severe or critical condition, or
- 2) Any natural catastrophic situations that interrupt or have the potential to interrupt the City's potable water supply, including but not limited to the following:
 - a) A major water line break, or pump or system failure occurs, which causes unprecedented loss of capability to provide water service; or
 - b) Water distribution system limitations; or

c) Natural or man-made contamination of the water supply source occurs.

Sec. 66-72. – Condition I—~~Water shortage possibility.~~ Mild Water Shortage Conditions.

Upon implementation by the city manager, customers of the water system of the city are requested to voluntarily conserve and limit their use of water and shall comply with the following mandatory restrictions on the use of water for irrigation of vegetation. All municipal operations are placed on mandatory conservation. Water used for irrigation of vegetation may be used only on such day or days of each week, other than between the hours of 10:00 a.m. and 6:00 p.m., based on street numbers, as may be designated by the city manager. However, any person may raise as a defense to prosecution for violation of this section the fact that the use of water for the following purposes, if such defense has not been disallowed by motion of the city council upon recommendation of the city manager:

(1)The water was used, other than during the hours between 10:00 a.m. and 6:00 p.m., for irrigation, at the minimum rate necessary, for the establishment and maintenance of flower gardens, vegetable gardens, fruit gardens, trees, and shrubs, or plants in containers, and applied using:

- a. A hand-held hose equipped with a positive shutoff nozzle.
- b.A drip irrigation system equipped with an automatic shutoff device.
- c. A soaker hose, which does not spray water into the air, equipped with an automatic shutoff device.
- d. A root feeder equipped with an automatic shutoff device.
- e. A hand-held bucket or watering can.

(2)The water was used at any hour for irrigation, at the minimum rate necessary, for the establishment and maintenance of commercial nursery stock and applied using:

- a. A hand-held hose equipped with a positive shutoff nozzle.
- b. A sprinkler system.
- c. A drip irrigation system equipped with an automatic shutoff device.
- d. A soaker hose, which does not spray water into the air, equipped with an automatic shutoff device.
- e. A root feeder equipped with an automatic shutoff device.

f. A hand-held bucket or watering can.

(3) The water used, other than during the hours between 10:00 a.m. and 6:00 p.m., for irrigation, at the minimum rate necessary, for the establishment of newly planted materials within 30 days of planting. Water used for this purpose may be applied by any means.

(4) Wastewater treatment plant effluent, graywater, well water, or other water not obtained from the city water system was used, other than during the hours between 10:00 a.m. and 6:00 p.m. However, the use of well water that is not mixed with any water from the city's water supply may be used at any hour if a permit is obtained from the city manager and a sign posted stating that the water used for irrigation is from a permitted private well.

(5) The water is used, other than during the hours between 10:00 a.m. and 6:00 p.m., for irrigation, at the minimum rate necessary, for the maintenance of golf course greens and tee boxes.

(6) The water was used at any hour for short periods of time for testing related to the installation, maintenance, and repair of sprinkler systems.

(7) The water was used for the irrigation of vegetation on a large parcel of land or unique botanical institutions, such as the Corpus Christi Botanical Gardens and Blucher Nature Center, in conformance with a special watering plan, specifically approved for the parcel by an official designated by the city manager. The official approving any special watering plan shall ensure that the plan achieves similar water conservation goals to the mandatory conservation measures applicable to other customers under this section.

In the event the premises have no number, application shall be made to the city building official for the assignment of a number to such premises and such premises shall thereafter bear the number so assigned. Such day or days may be changed by further directive of the city manager. In the event any premises does not have a number at the time of the occurrence of any violation under this division, the premises shall be in the category of premises with street numbers ending in zero. No person or customer shall cause or permit water to run or waste in any gutter or otherwise.

Sec. 66-73. Condition II – ~~Water shortage watch.~~ Moderate Shortage Conditions (Under threat of penalty for violation, the following restrictions shall apply to all persons during Stage II).

Upon implementation by the city manager, and publication of notice, the following restrictions shall apply to all persons and the withdrawal of water from the system for the following purposes or uses is hereby prohibited. The city manager, in the exercise of his discretion, may implement any or all of those elements of Condition II as are deemed necessary at any particular time. All elements of Condition I shall remain in effect in Condition II.

(1) The sprinkling or watering of lawns is prohibited; provided, however, the city manager may authorize watering of vegetation as follows:

a. The watering of trees; shrubbery; annual, biennial or perennial plants; vines; gardens; vegetables and flowers may be permitted through the means of a hand-held hose equipped with a positive shutoff nozzle, a drip irrigation system, a hand-held bucket or watering can, or a sprinkler system which is either attended throughout its use or is equipped with an automatic shutoff. When authorized, such watering shall be done only on Tuesday, Thursday, Saturday and/or Sunday. When such watering is authorized during the Daylight Savings Time period of the year it shall be permitted only between the hours of 6:00 a.m. and 9:00 a.m. and between the hours of 6:00 p.m. and 9:00 p.m.

b. The watering of lawns may be permitted once every ten (10) days through the means of a hand-held hose equipped with a positive shutoff nozzle, a drip irrigation system, a hand-held bucket or watering can, or a sprinkler system which is either attended throughout its use or is equipped with an automatic shutoff. When authorized, such lawn watering shall be permitted only where the last digit of a customer's street address is the same as the last digit of the calendar date (e.g., a customer with a street number of 102 would be permitted to water only on the second, twelfth and twenty-second of each month). No such watering is permitted on the thirty-first day of any month. For February, street addresses with the last digit of "9" may water on February 28 and street addresses with the last digit of "0" may water on March 1.

c. Commercial nurseries shall be excepted from the prohibition of this subparagraph and shall be permitted to water nursery stock by means of a hand-held hose equipped with a positive shutoff nozzle, a drip irrigation system, a hand-held bucket or watering can, or a sprinkler system which is attended throughout its use, is equipped with an automatic shutoff or recaptures and recirculates irrigation water.

d. The allowing of water to run off yards or plants into gutters or streets shall be deemed a waste of water and is prohibited.

(2) The washing of automobiles, trucks, trailers, boats, airplanes and any other type of mobile equipment except that individuals may wash their private cars or boats if they use a bucket, pail, or normal sized receptacles; and further provided, that filling stations shall wash their customers' cars with a bucket, pan, pail or other receptacles not larger than of five-gallon capacity; however, an individual or filling station, after such washing, shall be permitted to rinse the car or boat off with a hose, using only a reasonable amount of water in so doing. Commercial or automatic car wash establishment shall use minimum practical water settings.

(3) The washing of building exteriors and interiors, trailers, trailer houses and railroad cars, except that in the interest of public health the director of public health may permit limited use of the water as the case may be.

(4) The permitting or maintaining of defective plumbing in a home, business establishment or any location where water is used on the premises. The permitting of the wasting of any water by reason of defective plumbing as herein above mentioned shall include the existence of out-of-repair water closets, underground leaks, defective faucets and taps. The permitting of water to flow constantly through a tap, hydrant, valve or otherwise by any user of water connected to the city system, shall be considered as a wasting of water and prohibited by this division.

(5) The use of fire hydrants for any purpose other than fire fighting is prohibited; except that the city manager may permit the use of metered fire hydrant water by the city or by commercial operators using jet rodding equipment to clear and clean sanitary and storm sewer.

(6) The use of water in ornamental fountains or in artificial waterfalls where the water is not reused or recirculated in any manner.

(7) The use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts or other hard-surfaced area, or building or structure.

(8) The use of water for dust control.

(9) The use of potable water by a golf course to irrigate any portion of its grounds except those areas designated as tees and greens and only between the hours of 6:00 a.m. and 10:00 a.m. on the designated watering days.

(10) Any use of water for the purposes or in a manner prohibited in this section shall be deemed to be a waste of water and any person violating any of the provisions of this division and any person in whose name a water meter connection is registered in the department of public utilities, which water connection serves premises upon which a violation occurs and proof that the particular premises have a water meter connection registered in the name of the defendant named in the complaint, shall constitute in evidence a prima facie presumption that the person in whom such water connection was registered was the person who permitted or caused the act of waste charged to occur on the premises.

(11) Concurrently with the implementation of Condition II, the city council shall appoint an allocation and review committee, as hereinafter provided, for the purpose of reviewing water conservation policies and establishing exemptions.

Sec. 66-74. Condition III—~~Water shortage warning.~~ Severe Water Shortage Conditions.

Upon implementation by the city manager and publication of notice, the following restrictions shall apply to all persons. The city manager, in the exercise of his discretion, may implement any or all of those elements of Condition III as are deemed necessary at any particular time. All elements of Condition II shall remain in effect in Condition III.

- 1) New service connections to the city's water system are prohibited where some other source independent of the city's water system is existing and in use at the time of passage of this division.
 - 2) A mandatory limit of normal water use by customers without use penalty, in amounts as determined by the city council.
 - 3) In connection with the enforcement of subsection (2), the city council shall establish a maximum limit beyond which water service will be terminated.
 - 4) The use of water to serve a customer in a restaurant unless requested by the customer is prohibited.
 - 5) The use of water for the expansion of commercial nursery facilities is prohibited.
 - 6) The use of water for scenic and recreational ponds and lakes is prohibited.
 - 7) The use of water for private, single-family residential swimming pools, wading pools, Jacuzzi pools, hot tubs and like or similar uses is prohibited.
 - 8) The use of water for municipally owned swimming pools is prohibited.
 - 9) The use of water for privately owned neighborhood and subdivision swimming pools owned by country clubs, athletic clubs, health clubs, fraternal organizations and other like or similar pools is prohibited.
 - 10) The use of water for hotel, motel, condominium, apartment and other multifamily, residential-user swimming pools, including commercial and business swimming pools is prohibited.
 - 11) The use of water to put new agricultural land into production is prohibited.
 - 12) The use of water for new planting or landscaping is prohibited.
- (Ord. No. 677, § 2, 6-11-96)

Sec. 66-75. Condition IV— ~~Water shortage emergency.~~ Critical Water Shortage Conditions

Upon implementation by the city manager and publication of notice, the following restrictions shall apply to all persons. The city manager, in the exercise of his discretion,

may implement any or all of those elements of Condition IV as are deemed necessary at any particular time. All elements of Condition III shall remain in effect in Condition IV.

- (1) No applications for new, additional, further expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or other water service facilities of any kind shall be allowed, approved, or installed except as approved by the allocation and review committee.
- (2) All allocations of water use to industrial and commercial customers in amounts as established after consultation with the allocation and review committee.
- (3) The maximum monthly use for a residential customer be established with revised rate schedules and penalties by the city council on recommendation by the allocation and review committee.
- (4) The city council and city manager shall take those actions deemed necessary to meet the conditions resulting from the emergency.

Sec. 66-76. Condition V—Emergency Water Shortage Conditions

1. Notify customers that all preceding measures that are in place due to moderate, severe, and critical trigger conditions will be continued except as modified below:
 - a) Irrigation of landscaped areas is absolutely prohibited.
 - b) Use of water to wash any motor vehicle, motorbike, boat, trailer, or other vehicle is absolutely prohibited.
2. The City shall take those actions deemed necessary to meet the conditions resulting from the emergency.

Sec. 66-76. 66-77 Effluent distributions; permit and regulations.

- (a) Upon implementation of the conservation plan as provided in this division, the city may make available effluent water discharged from its sewage treatment plants for the purpose of watering lawns, grass, and other plants, dust control and similar uses. Such effluent water shall be made available only under the terms and conditions herein provided and only to such persons as are duly permitted as distributors as provided in this section. The city shall be under no obligation to provide such effluent and reserves the right to discontinue such service at any time and to limit the volume and to establish or alter loading procedures and/or locations as necessary for the efficient administration of the wastewater division.
- (b) No effluent distribution permit shall be issued except upon application filed with the wastewater division of the city. Every such application shall contain the following information:

(1) Name of applicant.

(2) Name of authorized representative (e.g., president of corporation; partner; etc.) if applicant is other than an individual.

(3) Business address and phone number.

(4) Residence address and phone number of authorized individual representative.

(5) Description of each vehicle and container unit to be used in the transportation or distribution of effluent water, including the make, year, model, type, weight and gross vehicle weight, container unit capacity in gallons, vehicle registration number, and the state safety inspection certificate number and expiration date.

(6) Names and driver's license number of every proposed driver of such vehicles.

(7) Statement of previous use of container units and any proposed use after or concurrently with such units use for effluent distribution.

(8) Statement of the proposed uses of any effluent water, including whether the use is proposed for residential, commercial, or industrial purpose.

(c) Upon the filing of the required application, and payment of the permit fee specified herein for each container unit, the director of the public utilities department, or his designee, shall upon his determination that the applicant and vehicles and container units are in compliance with all applicable provisions of this division, issue a permit for each such container unit. Said permit shall identify the particular unit for which it is issued and shall be displayed in a prominent place upon the unit. Each unit shall be separately permitted.

(d) The permit fee shall be in an amount to be set by resolution of the city council and listed in appendix A of this Code. Permits shall be issued on a quarterly basis from the effective date of this section; fee proration shall be on a monthly basis.

(e) Provisions to the contrary notwithstanding, the permit fee herein required and the liability insurance requirements of subsection (f)(8) shall be waived for receipt of effluent water from the city treatment plant only. Every such restricted permit so issued shall be prominently marked to indicate such restriction.

(f) Every effluent distribution permit shall be subject to the following terms and conditions and no person shall receive or distribute effluent water except in compliance herewith:

(1) Container units or tanks shall have a minimum capacity of 500 gallons; shall be capable of being closed watertight and shall be so closed during transport of effluent water; and shall be maintained in a leak-proof condition; provided,

however, that special permits may be issued for container units with a capacity of less than 500 gallons upon the determination by the wastewater division superintendent that all other container unit specifications herein required have been met and that the particular container unit does not create an increased risk to the public health and safety.

(2) No vehicle may be used in connection herewith which has not been reported on the application and approved for such use.

(3) The city health department shall establish a course of instruction on the handling of wastewater effluent and shall issue a certificate to each driver or handler who completes such course. Every driver or handler shall be so certified prior to receiving any effluent water from the city.

(4) Effluent water shall be used as soon as possible to prevent regrowth of bacteria. Permittees shall check effluent water in their units not less than every four hours for chlorine residual and bacteria levels, except for effluent stored in fixed-site containers which shall be checked not less than every eight hours.

(5) Chlorine residuals shall be maintained at one milligram per litre (parts per million) [1 mg/l(ppm)], consistent throughout the effluent container.

(6) Average fecal coliform (bacteria) levels shall not exceed 200 counts/100 ml.

(7) Effluent containers, including those used for storage, shall be subject to inspection and approval of the city health department, whose inspectors are hereby authorized to prohibit the use of any container or effluent water which is determined to be outside the parameters established in this section or is otherwise determined to present a danger to the public health.

(8) Every permittee shall provide proof of and shall maintain in force a policy of comprehensive general liability insurance covering personal injury and property damage with minimum limits of liability for personal injury in the amounts of \$100,000.00 per person and \$300,000.00 per occurrence and for property damage in the amount of \$50,000.00; or shall maintain a policy of general business liability insurance with a contractual liability endorsement; and shall maintain a policy of automobile liability insurance in the minimum amounts set by state law.

(9) By acceptance of a permit under this section and/or receipt of effluent water from the city system, the permittee and/or recipient of such effluent agree to fully indemnify, save and hold harmless, the city, its agents and employees, from and against all claims and actions, and all expenses incidental to the investigation and defense thereof, based upon or arising out of damages or injuries to person or property in any way related to or in connection with the use or distribution of effluent water under this section.

(10) Permittees shall provide a written notice to every person to whom effluent is furnished which shall state in not less than ten-point type, substantially as follows:

CAUTION

You are hereby advised that effluent water is the discharged water from a sewage treatment plant. The Director of Public Health has determined that improper use or handling could be harmful and recommends the following precautions:

1. Do not use effluent water for drinking, bathing, or personal hygiene purposes.
2. Do not use effluent water for washing autos, clothes, or other personal contact items.
3. Do not use effluent water in swimming pools or for similar recreational uses.
4. Do not allow children to play on grass wet with effluent water, wait until it dries.
5. Do not use effluent which has been stored for more than four hours unless the chlorine residual level has been tested and is not less than, one part per million [1 mg/l(ppm)].
6. Application of effluent shall be by coarse stream and shall not be by fine spray.

(g) Violation of any of the cautions herein set forth, by any person, shall be a violation of this division.

(h) Violation of any of the provisions of this section, in addition to the general penalties provided in this division, shall result in denial or revocation of any such violator's effluent distribution permit.

(Ord. No. 677, § 2, 6-11-96)

Sec. ~~66-77~~. 66-78 Emergency water demand and conservation plan.

(1) Education and information programs.

- The City of Ingleside will promote this plan through mailouts with the monthly water bills. These will include the information contained in the following pamphlets published by or under the auspices of the Texas Water Development Board, P.O. Box 13231, Capitol Station, Austin, Texas 78711-3231:
 - (a) Water Conservation Services for Municipal, Institutional, Commercial and Industrial Water Users.
 - (b) Conservation—Homeowners Guide to Water Use and Conservation.
 - (c) Toilet Tank Leak Detectors.
 - (d) Summer Lawn Watering Guide.
 - (e) Conservation—Saving Water Inside the Home.

- (f) Conservation—Forty Nine Water Saving Tips.
- (g) Conservation—Saving Water Outside the Home.
- (h) Water Saving Ideas for Business and Industry.
- (i) Xeriscape.

(2) *Emergency water demand management plan.*

- (a) *Education and information programs.* The citizens of Ingleside will be informed of this plan through several means of communications, such as local television, radio, newspaper and/or other means of communication. The public will also be invited and encouraged to participate in the plan during public meetings along with public hearings associated with this plan.
- (b) *Public notification of water demand conditions.*
 - 1. *Initiation procedures.* When one of the water demand trigger conditions has been reached and the need for a response measure is obvious, then the following procedure will be followed:
 - a. The utility director or person responsible for the water system will make a concise yet rapid assessment of the situation and notify the city manager.
 - b. The city manager will initiate the proper response for the trigger conditions.
 - c. The local news media including the TV station, radio and newspaper will be notified of the condition and be requested to respond accordingly.
 - d. A notice of the water demand condition will be prepared and posted immediately at City Hall.
 - 2. *Termination notification actions.* Once the repairs have been made and the emergency conditions overcome, the following procedures will be followed:
 - a. The utility director will make a concise assessment of the repairs and the resulting effects to assure himself that the system has been returned to normal. It will also be necessary to notify the city manager that the emergency has been removed.
 - b. The city manager will notify the local news media that the emergency has been resolved and that water usage may return to normal.
 - 3. *Measures to determine and control unaccounted water usage.* The utility department including the billing office will cross-check the water purchased from the SPMWD and the records of water consumed by the city's water system in an effort to determine water losses due to large leaks or theft of service.

SECTION 2. EFFECTIVE DATE. As provided by Article III, Section 3.11.C of the Charter of the City of Ingleside, this ordinance shall be effective upon adoption and, in addition, if any penalty, fine or forfeiture is imposed by this ordinance, then this ordinance shall be effective only after publication of this ordinance in its entirety or in summary form once in the official newspaper of the City of Ingleside.

SECTION 3. READING. As provided by Article III, Section 3.11.B of the Charter of the City of Ingleside, this ordinance or the caption of it shall be read at two city council meetings with at least two weeks elapsing between each reading.

SECTION 4. SEVERANCE. If any part of this ordinance is invalid or void or is declared to be so, then said part shall be severed from the balance of this ordinance and said invalidity shall not affect the balance of this ordinance, the balance of the ordinance to be read as if said invalid or void portion thereof were not included.

SECTION 5. PUBLICATION. If and as required by Article III, Section 3.11.C of the Charter of the City of Ingleside, the caption of this ordinance shall be published one time in the official newspaper of the City of Ingleside, San Patricio County, Texas.

PASSED, ORDAINED, APPROVED AND ADOPTED this ____ day of _____, 20__.

CITY OF INGLESIDE

BY: _____
Pete Perkins, Mayor

ATTEST:

CITY SECRETARY

First Reading: _____

Second Reading: _____